

In re: Cho  
Serial No. 10/727,031  
Filed: December 2, 2003  
Page 11 of 13

### **REMARKS**

Applicant responds herein to each of the issues raised in the Final Action. Applicant submits the present application is in form for allowance for the reasons discussed below.

#### **The Prior Art Rejections:**

Claims 1, 3, 5, 8, 11, 14-16, 23-25, 28-29 and 32-34 stand rejected as anticipated under 35 U.S.C. § 102 in light of United States Patent No. 5,739,730 to Rotzoll ("Rotzoll"). Final Action, p. 2. Claims 1-31 stand rejected as obvious under 35 U.S.C. § 103 in light of United States Patent Application Publication No. 2003/0048145 to Albon *et al.* ("Albon") in view of United States Patent No. 5,648,744 to Prakash *et al.* ("Prakash") and further in view of Rotzoll. Final Action, p. 5. These rejections are substantially unchanged from the previous action except for the addition of the rejection of Claims 32-34 over Rotzell. Accordingly, Applicant will only address the newly raised matters herein to expedite reconsideration of the rejections by the Examiner. However, to assure that this amendment is considered fully responsive to the Final Action, Applicant's previous amendments are incorporated herein by reference in their entirety.

As an initial matter, Applicant submits the claims are allowable at least for the previously presented reasons related to the distinctions between varactors and capacitors, which are separately recited in each of independent Claims 1, 11, 14 and 23. In the rejection of Claim 1 over Rotzoll, the assertion is made that "Varactors are a type of capacitor. The claims do not exclude these types of capacitors as forming the capacitors of the switched capacitor section." Final Action, p. 3. While the Applicant continues to disagree with the unreasonably broad interpretation applied by the Examiner, Claims 1, 11, 14 and 23 have been amended above to expressly exclude such an interpretation so as to expedite prosecution in this matter.

The rejections also vary from the previous rejections in the rejections of previously pending Claims 32-34. Independent Claims 1, 11 and 14 have been amended to include, respectively, the recitations from previously pending Claims 32-34. In other words, amended independent Claims 1, 11 and 14 include further structural recitations specific to the

embodiments illustrated in Figure 8 of the present application. In rejecting the recitations of these dependent claims, now found in the independent claims from which they previously depended, the Final Action merely asserts the use of switch select outputs "is what happens in the prior art." Final Action, p. 4. Applicant submits that, regardless of whether the prior art uses switch outputs to obtain a desired result, Independent Claims 1, 11 and 14 each recite a particular structure of switch select outputs and a coupling of those outputs. In particular, each of the switch select outputs is coupled both to one of the switches in the switched capacitor circuit and one of the switches in the switched varactor circuit. As such, the rejections of previously pending Claims 32-34 fail to even assert that the cited art discloses or suggests the recitations of these claims. Accordingly, independent Claims 1, 11 and 14 are also patentable for at least these additional reasons.

Independent Claim 23 recites "a plurality of capacitors of a switched capacitor unit connected to **a plurality of switched digital switches** ... a plurality of varactors of a switched varactor unit connected to **the switched digital switches**." Thus, Claim 23 recites embodiments where the varactor selection is based on the signals supplied to the capacitor circuit by using the same switches to select respective ones of the varactors and capacitors. Independent Claim 23 further includes recitations related to the switching being controlled to "limit a variation in a ratio of the capacitances of the varactors of the switched varactor unit to the whole capacitance of the oscillator" not disclosed by the cited art. Accordingly, the rejection of Claim 23 and the claims that depend therefrom should also be withdrawn for at least substantially similar reasons to those discussed above with respect to independent Claims 1, 11 and 14.

The separate patentability of other of the claims will not be addressed herein but the arguments previously presented by the Applicant for separate patentability are incorporated herein by reference.

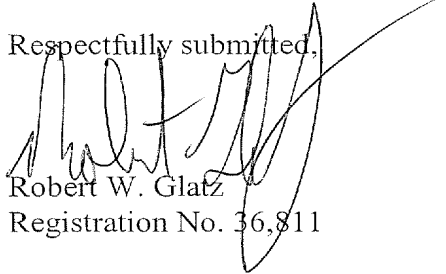
### CONCLUSION

Applicant respectfully submits that, for the reasons discussed above and in the previous amendments, the references cited in the present rejections do not disclose or suggest

In re: Cho  
Serial No. 10/727,031  
Filed: December 2, 2003  
Page 13 of 13

the present invention as claimed. Accordingly, Applicant respectfully requests entry of this amendment after final, allowance of all the pending claims and passing this application to issue.

Respectfully submitted,



Robert W. Glatz  
Registration No. 36,811

Myers Bigel Sibley & Sajovec  
P.O. Box 37428  
Raleigh, NC 27627  
(919) 854-1400 phone  
(919) 854-1401 fax

**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on October 29, 2008.

Signature: \_\_\_\_\_

Typed or Printed Name of Person Signing Certificate: Carey Gregory  
708601

